



Home to a new generation of **AVAILLY ENHANCED** Brush Cutting and Shredding Blades, including  
the innovative **MASTER SHREDDER™**, the **SHREDSTAR™** and **SICKLEBLADE™**

FAX TRANSMISSION  
FAX TO 1 703 305 8825

SHEET 1 OF 5

US Dept. of Commerce  
Patent & Trademarks Office  
Deputy Assistant Commissioner of Patents

Mr. Edward Kazenske

June 30, '99

**RE: FAX June 8<sup>th</sup>, '99 to Office of Solicitor**

US 5875700 - FRAUD ON PTO

Dear Mr. Kazenske:

The enclosed, self-explanatory FAX was sent to the Office of the Solicitor on the date indicated, however it has been impossible for me to obtain acknowledgment or disposition.

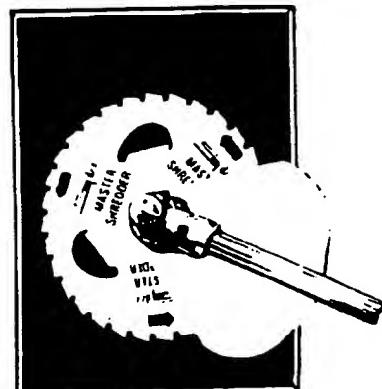
It is my understanding that the Solicitor's Office responsibilities include enforcement of the patent laws and the above patent was clearly and demonstrably obtained through fraud.

Would you please assist in this matter?

Sincerely,

A handwritten signature in black ink, appearing to read "Eckhard Bernhardy".

Please note: if you've received this fax in error, kindly call the  
below number 'collect' and inform. Thank you!



FAX TO: 703-308-8623

page 1 of 4

US PATENT & TRADEMARKS OFFICE  
OFFICE OF THE SOLICITORJune 8<sup>th</sup>, 199911017 NE 124<sup>th</sup> Ave.,  
Vancouver, WA 98682-1624  
Phone/Fax 360-256-9160  
E-Mail : SIMPLAR@PACIFIER.COM**re: US 5875700 - fraud on the PTO**filed: Nov. 17<sup>th</sup>, 1997issued: March 2<sup>nd</sup>, 1999

inventor: Robert A. Powell, Camas, WA 98607

Dear Sir / Madam:

This will inform you that the above issued Patent was fraudulently obtained by Mr. Powell by willfully filing a false Patent Application Declaration and by willfully withholding disclosure of Prior Art from the PTO.

Please refer to enclosed 'EXHIBIT 10/a' and to 'EXHIBIT 10/b', a duly sworn and notarized affidavit, indicating both undisclosed prior art known to Mr. Powell in March 1997, as well as his willfully false declaration of original invention on his November 17<sup>th</sup>, 1997 Patent Application. Note also page 4 'Abstract' US 5875700, where drawing 'reads' on 'EX. 10/b'.

I have a pending utility Patent Application ( 09/035,936 ) on this invention and have contacted you following discussion with examiner H. Shackelford for possible prosecution of Mr. Powell under Title 18, US Code, Section 1001, due to the flagrant nature of this case.

It should be further pointed out that the enclosed affidavit represents only a small fraction of available evidence (both witnesses and documentary) which can be provided to your office to press charges.

Sincerely,  
  
Eckhard Bernady

enclosures

## EXHIBIT 10/a

## STATEMENT OF FACTS

This statement will affirm that:

On March 12<sup>th</sup>, 1997 and on March 13<sup>th</sup>, 1997 and on March 14<sup>th</sup>, 1997, at the annual PORTLAND WOOD TECHNOLOGY CLINIC & SHOW, held at the OREGON CONVENTION CENTER of PORTLAND Mr. Eckhard (Eyck) Bernardy, owner of SIMPLAR™ CO, publicly did display examples of his SIMPLAR SHREDDER™ brush blade, as well as a narrated video showing the blade in use and a promotional flyer, including text and a realistic artistic rendering of the above brush blade, through Mr. and Mrs. Robert Powell, owners of PEFORMANCE QUALITY SAW SHOPS, INC. who were acting as promotional agents on behalf of Mr. Bernardy and his SIMPLAR™ CO product.

Mr. Bernardy personally demonstrated his novel SIMPLAR SHREDDER™ brush blade, the promotional video and the promotional flyers to GRASCHE USA <sup>Vice President</sup> Mr. Dieter H. Bialek and to GRASCHE Sales Manager Mr. Connell A. Wittkopp, as well as to myself. This demonstration was done openly and publicly on March 14<sup>th</sup>, 1997 and resulted in a business relationship between GRASCHE USA and SIMPLAR™ CO for the production of blade stock for the SIMPLAR SHREDDER™ blade, with my own firm, VOIGHT ENTERPRISES, INC, as Manufacturer's Representative on behalf of GRASCHE USA.

The attached photocopy of the promotional flyer, labeled EXHIBIT 10/b is a true and correct copy of the original promotional flyers distributed publicly during the above cited days of the PORTLAND WOOD TECHNOLOGY SHOW & CLINIC.

I hereby solemnly affirm that the statements contained in this affidavit are true, to the best of my knowledge and belief.

Signed: Andrew J. Feucht II, this day March 24, 1999  
Andrew J. Feucht II, President, Voight Enterprises, Inc.  
23801 NE 53<sup>rd</sup> Street, Vancouver, WA 98682  
360-253-9789 \* 800-426-9346 \* FAX 360-253-3976

State of Washington  
County of Clark  
Signed or attested before me on May 24 1999, by

Andrew J. Feucht II

JAMES H. WILMARTH  
(Signature of Notary Public)

Ass't. Vice-President  
(Seattle First Bank) Title

My appointment expires 2002



EXHIBIT 10/b

(4)

THE SHORT STORYBEHIND THE

# Simplar<sup>TM</sup>

PATENTED  
SHREDDER

BRUSH BLADE...

'NECESSITY has always been the MOTHER of INVENTION' - inventor of this unique blade found it true again... While brush cutters could be bought blackberry right on the spot - until now! Anyone who has had to deal with blackberry knows what to try simply. Every man - but none work very well...

Many blades are just modified saw blades without any shredding capability. You can cut with these and then arm wrestle with the brush. So-called 'brush blades' have fewer cutting elements and can therefore no longer saw. They also shred poorly horizontally. A very popular blade, since they are flat and operate can actually shred somewhat, but due to only three cutting elements of this modified triangle it also cannot saw... and worse: any stick bigger than your 'little pinkie' will stop this blade cold! Period.

Nothing else that works well exists; until now that is!

The SIMPLAR SHREDDER<sup>TM</sup> blade has none of the above limitations. It is first a very capable saw blade. Multiple individual cutting elements insure superbly smooth, repetitive cuts up to three inches in depth. That's more than adequate for most types of work. But there is much more to this blade! Integrally formed 'WING CUTTERS<sup>TM</sup>' act like several additional saw blades. Conventional blades can only cut horizontally - and offer no shredding. However, the addition of 'WING CUTTERS<sup>TM</sup>' completely changes that. Now the blade can both cut like a regular saw blade plus shred both horizontally and vertically!! This gives the operator choices. He can now cut or shred as the job shredding eliminates a lot of unpleasant, time-consuming labor - and the left as mulch, improving soil condition and benefitting the environment...

Please direct inquiries to:

RETAIL INQUIRIES:

PERFORMANCE QUALITY SAW SHOPS, INC.  
1414 NE 267th AVE, CAMPAS, WA 98607  
(360) 834 - 3460

DISTRIBUTOR INQUIRIES:

SIMPLAR CO  
11017 NE 124th AVE,  
VANCOUVER WA 98682 - 1624  
(360) 256 - 9160

US005875700A

(5)

## United States Patent [19]

Powell

[11] Patent Number:

[45] Date of Patent: M

## [54] BRUSH CUTTING BLADE

[76] Inventor: Robert A. Powell, 1414 NE 267th Ave., Camas, Wash. 98607

[21] Appl. No.: 971,454

[22] Filed: Nov. 17, 1997

[51] Int. Cl. 0 A01D 34/82

[52] U.S. Cl. 83/837; 83/835; 30/276; 30/347; 56/295; 56/DIG. 20

[58] Field of Search 83/837, 835; 30/276, 30/347; 56/255, 295, DIG. 17, DIG. 20

## [56] References Cited

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Primary Examiner—M. Radluba

Assistant Examiner Stephen Choi

Attorney, Agent, or Firm—Robert L. Harring

## [57] ABSTRACT

A circular brush cutting blade with peripheral segments are bent or deflected out of the blade angle to the plane of the blade less than 90°. The segments are configured to provide an incline for each segment that cuts a laterally exterior movement of the blade laterally or axially, produced by folding the segments around juncture with the blade body whereby the outer edge of the blade created thereby is radially outward.

4 Claims, 1 Drawing Sheet

